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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,821	07/07/2003	Dan Klaus	28,011 CIP#	6891
7590	10/06/2004		EXAMINER	
Charles E. Tempko 22 Marion Ave. Westport, CT 06880			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/613,821	Applicant(s) KLAUS, DAN <span style="float: right;">ST</span>	
	Examiner SANG KIM	Art Unit 3654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### ***Drawings***

Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because of the inclusion of legal language, i.e., "means". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, lines 4-6, "means for controlling...said predetermined path" is vague and indefinite. What disclosed structure is being claimed by the means plus function structure?

With respect to claim 1, lines 8-10, "electronic controller feedback means driven by rotation of said spool for generating a digital position reference signal to said controller feedback" is vague and indefinite. How does the controller generate a digital position reference signal to itself? How does the rotation of the spool drive the electronic controller feedback means? What disclosed structure is being referred to by the means plus function?

With respect to claim 6, lines 5-8, "a master control block controlling the angular direction, velocity and position....logic blocks for determining the direction of rotation of said motor means " is vague and indefinite. The master control block and logic blocks are being interpreted as a means plus function, because the master control block and logic blocks are being described with only functional language and no structure. What

disclosed structure is being referred to by the phrase "mater control block" and "logic blocks"? Where are these blocks shown shown?

Claims 6-8 are replete with 35 U.S.C. 112, second paragraph. Applicant is advised to check rest of the claims. For example, in claim 6, lines 2-3, "said product at a pre end thereof, and motion means where imparting arcuate motion to said arm" is indefinite and vague. See claim 8, lines 1-2, "means or momentarily halting movement" is indefinite and vague.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebblerling in view of Kotzur et al. U.S. Patent 5,678,778.

Hebblerling discloses a device for traversing a linear flexible product including a pivotally mounted traverse arm (38), a rotating motor (10), and a link (12, 29, 17, 32, 33, 34) interconnecting a point on a rotating part of said motor (10) with a point on said traverse arm (38) and means (not shown) for controlling rotation of said motor, through arcuate sectors of 180 degrees and less to make up 360 degree rotations, at a constant speed such that a free end of said traverse arm (38) moves at a substantially uniform rate of traverse over a traverse path.

Hebberling does not disclose an electronic controller feedback means driven by the spool, and a process control device selecting ratio and position criteria. Kotzur et al. ('778) teach a winding apparatus including a separate motor (51) for driving a traverse device, a motor (66) for rotating the spool (44) with a feedback means (68) driven by rotation of said spool (44) and an electronic controller (Figure 13C) to determine the winding to define a ratio between said traverse motor means (51) and said spool motor means (66) algorithms which are adjustable with the process control device (202). It would have been obvious to one of ordinary skill in the art to provide Hebberling with a detecting and control system as taught by Kotzur et al. ('778) to control and change the winding ratio between the traverse and winding spool as taught by Kotzur et al. ('778).

With respect to claims 6-8, as set forth above, Kotzur et al. ('778) teach encoder to provide information as to the position of the traverse guide to the microprocessor, direction of the arm winding and able to stop manually, able to send signals from the motor to determine the speed of rotation, and the cam box converts angular displacement, angular velocity and angular acceleration, on pages 5-7 and figures 13A-C.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebberling in view of Benya.

Hebberling, as set forth above, does not disclose feeding the linear flexible product coaxially with respect to a pivot axis of said traverse arm with a guiding means adjacent said free end of the traverse arm. Benya discloses a device for traversing a linear flexible product including a pivotally mounted traverse arm (18), a rotating motor

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(not shown), a link that includes cam (24) and fly-wheel (32) interconnecting a rotating part of said motor with a point on said traversing arm (18), a means (21) on said arm (18) for receiving said product along a path of motion substantially coaxial with respect to a pivot axis of said arm (18) and a guide means (20) on said arm for guiding said product (11) to a point of discharge adjacent said spool (14). Benya teaches the feeding of the flexible product coaxially with respect to a pivot axis and a guide means (20) adjacent said free end. It would have been obvious to one of ordinary skill in the art to feed the flexible element of Hebbberling coaxially with respect to the pivot axis and provide a guide means adjacent the free end of the traverse arm to provide a compact winding device as taught by Benya.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/28/04



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